

REMARKS

Claims 1-6 have been examined. Claim 5 has been cancelled. Claim 7 was previously withdrawn. Claims 8-15 have been added.

I. Amendments to the Claims

Claim 5 has been canceled. Claims 8-10 have been added. Claim 5, as originally presented, was a multiple dependent claim which was dependent on a multiple dependent claim (claim 3). New claims 8-10 have the same scope as claim 5 but are separate dependent claims.

II. Objections to the Abstract

Applicants have provided a new Abstract in response to the Examiner's objection. Applicants believe the new Abstract overcomes the Examiner's objection.

III. Objection to the Drawings

Figure 25 has been labeled "Related Art." Applicants believe placing this label on Figure 25 overcomes the Examiner's objection. Applicants have not labeled Figure 25 as "Prior Art" because the specification only refers to it as "conventional" and does not admit that Figure 25 is prior art under U.S. law.

IV. 35 U.S.C. § 102 Rejection

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Figures 16-19 and 23-27 of Sanyo Electric Co. (DE 197 53 690 A1) ("Sanyo").

As a preliminary matter, Applicants note that Sanyo corresponds to U.S. Patent No. 6,198,716. Applicants are currently submitting an Information Disclosure Statement citing the '716 patent.

A. Claim 1

Sanyo fails to teach or suggest the device claimed in claim 1. For example, claim 1 recites a recording medium playback device with a carriage chassis. When the carriage chassis is in the standby position, a pickup is situated on a vertical tangential plane which is tangent to an outer circumferential edge of a recording medium on the carriage chassis side. Also, the plane is tangent at a point where the outer circumferential edge is intersected by a loading center line of the recording medium when the recording medium is completely loaded in a recording medium accommodation unit by a recording medium loading means.

The Examiner asserts that Sanyo “clearly anticipate[s]” claim 1 without corresponding the elements of claim 1 to the disclosure in Figures 16-19 and 23-27 of Sanyo. However, looking at Sanyo, it becomes clear that Sanyo fails to teach or suggest at least the above described element of claim 1. Looking at Figures 16-17 and 26, it is clear that the pickup 56 is pickup is not situated on a vertical tangential plane as recited in claim 1. For example, as shown in Figures 16 and 26, the pickup 56 is set back, i.e., towards the back of the disk player as defined in Figure 16, and away from a line tangent to a circumferential edge of a disk 12 on the carriage chassis side. Accordingly, Applicants respectfully submit that claim 1 is patentable over Sanyo.

B. Claims 2-4

As claims 2-4 depend on claim 1, claims 2-4 are patentable over Sanyo for at least the reasons presented above with respect to claim 1 based on this dependency.

C. Claim 6

Claim 6 recites language similar to that in claim 1. Applicants submit that claim 6 is patentable over Sanyo for at least reasons analogous to those presented above with respect to claim 1.

V. 35 U.S.C. § 103 Rejection

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanyo. As noted above, claim 5 has been replaced by claims 8-10. As canceled claim 5 and new claims 8-10 ultimately depend on claim 1 and as the Examiner's reasoning with respect to the obviousness rejection fails to cure the deficiencies of Sanyo, Applicants submit that claims 8-10 are patentable over Sanyo for at least the reasons presented above with respect to claim 1.

VI. Newly Added Claims

Claims 8-15 have been added to provide more varied protection for the invention.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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